United Nations A/63/645

General Assembly

Distr.: General
30 December 2008

Original: English

Sixty-third session
Agenda items 130 and 131

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Patrick A. **Chuasoto** (Philippines)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the items entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate them to the Fifth Committee.

2. The Fifth Committee considered the items at its 23rd and 28th meetings, on 15 and 23 December 2008. Statements and observations made in the course of the

08-67147 (E) 120109

Committee's consideration of the items are reflected in the relevant summary records (A/C.5/63/SR.23 and 28).

3. For its consideration of the items, the Committee had before it the following reports:

(a) Report of the Secretary-General on a comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (A/62/681);

(b) Report of the International Civil Service Commission for the year 2007;[1]

(c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/62/734).

II. Consideration of draft resolution A/C.5/63/L.12

4. At its 28th meeting, on 23 December 2008, the Committee had before it a draft resolution entitled "Comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia" (A/C.5/63/L.12), submitted by the Chairman on the basis of informal consultations coordinated by the representative of Angola.

5. At the same meeting, the Committee adopted draft resolution A/C.5/63/L.12 without a vote (see para. 6).

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 30 and corrigendum* (A/62/30 and Corr.1) (Chap. II).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia

The General Assembly,

Having considered the report of the Secretary-General on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,[1]

Having also considered the related chapter of the report of the International Civil Service Commission for the year 2007,[2]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Recalling its resolution 61/274 of 29 June 2007 on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,

1. *Takes note* of the report of the Secretary-General on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia;[1]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions contained in the present resolution;

3. *Takes note* of paragraphs 14 and 15 of the report of the Advisory Committee;

4. *Recognizes* the critical importance of retaining highly-skilled and specialized staff in order to successfully complete all trial proceedings and to meet the targets set out in the respective completion strategies of the Tribunals in a timely manner;

5. *Requests* the Secretary-General to use the existing contractual frameworks to offer contracts to staff, in line with dates of planned post reductions in accordance with the relevant prevailing trial schedules, in order to remove uncertainty with regard to future employment with the aim of ensuring that the Tribunals have the necessary capacity to complete their respective mandates effectively, as recommended by the International Civil Service Commission in paragraph 21 (b) of its report.[2]

---

[1] A/62/681.

[2] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 30 and corrigendum* (A/62/30 and Corr.1), chap. II.

[3] A/62/734.